

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 IO-13 ACDA-12 TRSE-00 CIAE-00
DODE-00 PM-05 H-01 INR-07 L-03 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 SS-15 USIA-06 VO-05 CA-01
EB-08 /098 W
-----109852 240324Z /64

R 231824Z JAN 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 5102
USMISSION USBERLIN
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L BONN 01300

E.O. 11652: GDS
TAGS: PGOV, AKB, BQG
SUBJECT: FRG REPLY TO QUESTIONS ON FRG VISA REQUIREMENT
FOR TRANSIT PASSENGERS

REFS: (A) 77 USBER 2962
(B) 77 USBER 2648

1. AT THE NOVEMBER 22 BONN GROUP MEETING, THE US REP
PASSED TO THE FRG REP (VON BRAUNMUEHL) QUESTIONS RAISED
BY THE BERLIN MISSIONS CONCERNING THE FRG IMMIGRATION
REGULATION REQUIRING VISAS OF PASSENGERS TRANSITING TWO OR MORE
CITIES IN THE AREA OF APPLICABILITY OF THE IMMIGRATION
LAW (I.E. THE FRG AND WEST BERLIN). VON BRAUNMUEHL
TRANSMITTED THE FRG'S RESPONSE, PREPARED BY THE MINISTRY
OF THE INTERIOR, TO THE BONN GROUP ON JANUARY 18.

2. BY WAY OF INTRODUCTION, VON BRAUNMUEHL GAVE THE
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FOLLOWING EXPLANATION FOR THE REGULATION. FIRST OF ALL,
THE FRG UNDERSTANDABLY DOES NOT WANT PEOPLE WHO WOULD
OTHERWISE REQUIRE A VISA ENTERING ITS TERRITORY WITHOUT
ONE. ON THE OTHER HAND, WHERE A SINGLE TRANSIT STOP
IS INVOLVED, NO VISA IS REQUIRED FOR THOSE PEOPLE WHO
DO NOT PLAN TO PASS THROUGH CUSTOMS AND IMMIGRATION--
THEY MERELY WAIT IN THE TRANSIT LOUNGE. HOWEVER, IN

ORDER TO MAKE A SECOND STOP IN THE FRG CUM BERLIN, IT IS NECESSARY TO TAKE AN INTERNAL FLIGHT, I.E. PASS CUSTOMS AND IMMIGRATION. ALTHOUGH THERE ARE CONTROLS UPON LEAVING BERLIN, THERE ARE NO CONTROLS UPON ARRIVAL IN THE FRG.

3. THERE WAS SOME DISCUSSION OF THE FACT THAT, AS WE UNDERSTAND IT, A TRAVELER COULD LEAVE BERLIN BY ROAD OR RAIL WITHOUT BEING CONTROLLED. WE NOTED THAT THIS SEEMED TO RESULT IN A DEFECT INsofar AS BERLIN IS CONCERNED IN THE RATIONALE BEHIND THE VISA REQUIREMENT FOR AIR TRANSIT PASSENGERS. VON BRAUNMUEHL AGREED THAT THIS WAS THE CASE BUT SAID THAT MERELY BECAUSE THERE ARE LOOPHOLES, THIS SHOULD NOT ARGUE FOR A CHANGE IN THE PRESENT VISA REQUIREMENT. HE ADMITTED THAT THE PEOPLE WHO DRAFTED THE REGULATION PROBABLY DID NOT HAVE BERLIN IN MIND WHEN THEY DID SO AND THAT THERE MIGHT HAVE BEEN A BETTER WAY TO DRAFT THE REGULATION RATHER THAN PUTTING IT SIMPLY IN TERMS OF MORE THAN ONE TRANSIT STOP.

4. IN BRIEF, VON BRAUNMUEHL SAID THE ANSWER TO BOTH QUESTIONS IN REF A, PARA 5, IS YES. THE ANSWERS TO THE QUESTIONS IN PARA 6 ARE:

A. THE RELEVANT PASSAGE, SECTION 1, PARAGRAPH 1, CONFIDENTIAL

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NO. 4 OF THE IMMIGRATION LAW, DEALS ONLY WITH TRANSIT TRAVEL BY AIR.

B. FOR THE PURPOSE OF THE LAW, HIS PRESENCE MUST BE TREATED AS A "TRANSIT."

C. HE IS IN POSSESSION OF A THROUGH TICKET.

THE COMPLETE FRG RESPONSE IS BEING POUCHED TO USBER AND EUR/CE.
STOESSEL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: BERLIN ACCESS, POLICIES, VISAS
Control Number: n/a
Copy: SINGLE
Draft Date: 23 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978BONN01300
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780034-0907
Format: TEL
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780135/aaaabdlb.tel
Line Count: 105
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e90425e1-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 USBERLIN 2962, 77 USBERLIN 2648
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 19 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3732894
Secure: OPEN
Status: NATIVE
Subject: FRG REPLY TO QUESTIONS ON FRG VISA REQUIREMENT FOR TRANSIT PASSENGERS
TAGS: PGOV, GE, AKB, BQG
To: STATE USBERLIN
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/e90425e1-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014